



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
<http://www.lrl.usace.army.mil/>

June 10, 2009

Operations Division
Regulatory Branch (South)
ID No. LRL-2009-134-let

Mr. Robert F. Young, Jr.
EA Partners, PLC
3111 Wall Street
Lexington, Kentucky 40513

Dear Mr. Young:

This is in response to your request, on behalf of Whitaker Land Company, for authorization to construct a residential development impacting 350 linear feet (0.025 acre) of an unnamed intermittent tributary of North Elkhorn Creek and 300 linear feet (0.021 acre) of unnamed ephemeral tributaries of North Elkhorn Creek in Georgetown, Scott County, Kentucky. The information supplied by you was reviewed to determine whether a Department of the Army (DA) permit will be required under the provisions of Section 404 of the Clean Water Act.

The project is considered a discharge of dredged or fill material for the construction or expansion of a single residence, residential development or subdivision. The project is authorized under the provisions of 33 CFR 330 A Nationwide Permit (NWP) No. 29, Residential Developments, as published in the Federal Register March 12, 2007. Under the provisions of this authorization you must comply with the enclosed:

1. Terms for Nationwide Permit No. 29;
2. Nationwide Permit General Conditions; and
3. Water Quality Certification (WQC) Conditions for Nationwide Permit No. 29 dated March 19, 2007, issued by the Kentucky Division of Water (KDOW).

The Whitaker Land Company must also comply with the following Special Conditions:

4. A copy of the receipt documenting the payment of \$42,000.00 to the Kentucky Department of Fish and Wildlife Resources Stream and Wetland Restoration Fund shall be provided to the Corps prior to any filling of "waters of the U.S.".

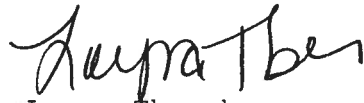
Once a WQC certification is obtained, or if no application was required, the project may proceed without further contact or verification from us.

This decision is valid for 2 years from the date of this letter. The enclosed Compliance Certification should be signed and returned when the project is completed. If the project is not completed within this 2-year period or if the project is modified, contact us for another permit determination. A copy of this letter is being sent to the applicant and to the Kentucky Division of Water (KDOW).

Attached to this verification that the project is authorized by NWP No. 29 are a preliminary jurisdictional determination (JD), a Notification of Appeal Process (NAP) fact sheet, and Request for Appeal (RFA) form. However, a preliminary jurisdictional determination is not appealable and impacting "waters of the U.S." identified in the preliminary JD will result in you waiving any right to request an approved JD at a later date. An approved JD may be requested (which may be appealed), by contacting me for further instruction.

If you have any questions, please contact this office by writing to the above address, ATTN: CELRL-OP-FS, or by calling me at (502)315-6689. All correspondence pertaining to this matter should refer to our ID No. LRL-2007-1422.

Sincerely,

A handwritten signature in black ink, appearing to read "Layna Thrush".

Layna Thrush
Project Manager, South
Regulatory Branch

Enclosures